

Exhibit 3



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March 5, 2018

BY ELECTRONIC MAIL

Shawn E. Shearer, Esquire
The Law Office of Shawn Shearer, P.C.
3839 McKinney Avenue, Suite 155-254
Dallas, TX 75204

Re: *Steven B. Barger v. First Data Corporation et al.*
Civil Case No. 1:17-cv-4869

Dear Shawn:

I am in receipt of your March 5, 2018 letter regarding the scheduling of depositions.

1. First Data will make Jennifer Voycheske available for deposition on Wednesday, March 14, 2018 in Omaha, Nebraska beginning at 9 am. Please send me a revised notice of deposition for Ms. Voycheske identifying the location of where you will take her deposition.

2. With respect to Ms. Voycheske, we request that you hold off serving a subpoena on Children's Express (which you intend to serve on or after March 6, 2018) until after you have had the opportunity to depose Ms. Voycheske and see if she can address your concerns regarding the timing of her communications with Plaintiff, Steve Barger. Your agreement to forbear until after the deposition will not result in any prejudice, but will obviate the need for us to file a motion for a protective order to bar your attempt to subpoena information from the daycare center used by Ms. Voycheske to care for her child, when other less intrusive means are available. Please provide me with an answer to this question by no later than 9 am tomorrow morning. If you do not agree, then I would like to schedule a conference call to discuss the Children's Express subpoena in order to comply with Fed.R.Civ.P. 26(c)(1), EDNY Local Rule 37.3 and Judge Bloom's Rule 5.A, before filing a motion for protective order.

3. We will also produce Amy Steffen for deposition on Wednesday, March 14, 2018 in Omaha, Nebraska at 2 pm. Please send me a notice of deposition for Ms. Steffen, again identifying the location of the deposition.

Shawn E. Shearer, Esq.

David A. Zeitlin, Esq.

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4. Per your request, we are inquiring as to Frank Bisignano's availability for a 3 hour deposition, although at this juncture, we cannot necessarily commit to a date before April 5, 2018. As soon as we have some proposed dates of availability for the CEO, we will let you know. We are also reviewing your list of Rule 30(b)(6) topics in order to identify witnesses to testify on behalf of the corporation and we will propose some dates of availability in the near term.

5. With respect to your request to depose Lori Graesser, Associate General Counsel of First Data, please advise as to the subjects of Ms. Graesser's anticipated testimony so that we can determine if we need to confer with you in good faith before moving for a protective order to prevent the deposition of an in house lawyer in this case.

6. It is our position that Mr. Bisignano, like all of the witnesses in this case, shall only be subject to one deposition.

I look forward to hearing from you.

Very truly yours,



Gary B. Eidelman

cc: David A. Zeitlin, Esq.
Gillian A. Cooper, Esq.